

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

★ SEP 8 - 2014 ★

BROOKLYN OFFICE

In Re: DAVID HESTER BEY,

MEMORANDUM
AND ORDER

14-CV-3903 (CBA)(LB)

AMON, Chief Judge: X

On June 13, 2014, plaintiff, incarcerated at the California Department of Corrections and Rehabilitation's Correctional Training Facility located in Soledad, California, initiated this *pro se* action. Plaintiff's submission did not include the requisite filing fee or *in forma pauperis* ("IFP") application or the Prisoner Authorization form; nor did it contain a complaint. By letter filed June 25, 2014, plaintiff was provided with the proper forms and instructed that in order to proceed, he must either pay the fee or return the completed IFP application and the Prisoner Authorization form within 14 days from the date of the letter. Plaintiff was also provided with instructions and a form for filing a civil rights complaint.

Although plaintiff did not comply with the Court's order, in an abundance of caution, by Order dated August 5, 2014, the Court granted plaintiff an additional 14 days to submit: (1) either the filing fee or a request to proceed IFP with the Prisoner Authorization form; and (2) a complaint that complies with Rule 8 (a) of the Federal Rules of Civil Procedure. The Order further stated that "if plaintiff fails to file the required documents within 14 days of entry of this Order, the action shall be dismissed without prejudice and judgment will enter."

Plaintiff has not complied with the Court's order¹ and the time for doing so has passed. Accordingly, the action is dismissed without prejudice. The Clerk of Court is directed to enter

¹ Plaintiff has submitted other, nonresponsive, documents. See Docket nos. 7-8.

judgment and to close this case. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge

Dated: September 5, 2014
Brooklyn, New York